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8
9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2010-611

14 **ANDREW IWUAJOKU**
Post Office Box 66922
15 Phoenix, AZ 85082

ACCUSATION

16 Registered Nurse License No. RN 718658

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 **License History**

25 2. On or about January 25, 2008, the Board of Registered Nursing issued Registered
26 Nurse License Number RN 718658 to Andrew Iwuajoku ("Respondent"). The license was in full
27 force and effect at all times relevant to the charges brought herein and will expire on August 31,
28 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)

3 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), on the grounds of unprofessional conduct, in that Respondent's Registered Nurse License
5 was disciplined by the Arizona State Board of Nursing ("Arizona Board"). In the action entitled,
6 *In the Matter of Registered Nurse License No. RN 139004, Expired Practical Nurse License No.*
7 *LP037511, and Expired Nursing Assistant Certificate No. CAN 546264441 Issued to:*
8 *Andrew Iwuajoku, Respondent*, effective February 23, 2010, pursuant to a Consent Agreement
9 and Order No. 0903051, Respondent's Registered Nurse License No. RN 139004 was censured.

10 The underlying circumstances of the discipline are that on March 19, 2009, the Arizona
11 Board received information from St. Joseph's Hospital and Medical Center (SJHMC) in Phoenix,
12 Arizona, that while employed as a registered nurse, Respondent failed to meet performance
13 criteria, failed to consistently and accurately document patient care, and received patient
14 complaints regarding his nursing care.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

- 18 1. Revoking or suspending Registered Nurse License Number RN 718658 issued to
19 Andrew Iwuajoku;
20 2. Ordering Andrew Iwuajoku to pay the Board the reasonable costs of the investigation
21 and enforcement of this case, pursuant to Code section 125.3; and,
22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 5/27/10

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Janice K. Brewer
Governor



Joey Ridenour
Executive Director

Arizona State Board of Nursing

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AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **ANDREW IWUAJOKU**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85014-3655 on February 25, 2010.

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

cc: CA Nursing Board

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF REGISTERED NURSE
LICENSE NO. RN139004, EXPIRED
PRACTICAL NURSE LICENSE NO.
LP037511, AND EXPIRED NURSING
ASSISTANT CERTIFICATE NO.
CNA546264441
ISSUED TO:

ANDREW IWUAJOKU
RESPONDENT

DECREE OF CENSURE

CONSENT AGREEMENT
AND ORDER NO. 0903051

A complaint charging Andrew Iwuajoku ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F) (5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter:

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued registered nurse license no. RN139004, expired practical nurse license no. LP037511, and expired nurse certificate no. CNA546264441.
2. From on or about January 18, 1996 to on or about April 1, 2009, Respondent was employed as a CNA, an LPN, and finally an RN at St. Joseph's Hospital and Medical Center (SJHMC), Phoenix, Arizona.
3. On or about March 19, 2009 Anita Harger, Human Resource Specialist at SJHMC, filed a complaint with the Board, citing Respondent did not meet performance criteria

in a Performance Improvement Developmental Plan, failed to consistently and accurately document patient care, and received patient complaints regarding his nursing care. Respondent resigned his employment before completing the Developmental Plan. Based on this information, the Board opened an investigation.

4. According to complaint records from SHJMC, on or about February 9, 2009, Respondent failed to verify battery function with a patient's telemetry pack, leading to the patient being unmonitored for approximately two hours. Respondent stated to Board staff he changed the batteries but the telemetry station did not notify him the unit was still not functioning.

5. According to complaint records from SHJMC, on the February 6, 2009 to February 7, 2009 night shift, Respondent failed to monitor and report patient L.N.'s low urine output. Tracy Robles, RN, said she came to work early, noted the low urine output and Respondent's failure to contact L.N.'s physician. Robles reported the urine output to the physician who gave her and the day shift staff orders that would improve L.N.'s renal function. In an interview with Board staff, Respondent denied Robles' account of the incident, stating the physician staff knew about the low urine output and Respondent was only to monitor the patient. He was going to call the physician but Robles offered to make the contact.

6. According to complaint records from SHJMC, on the February 6, 2009 to February 7, 2009 night shift, Respondent reported an inaccurate oxygen saturation reading for patient B.W. to the night shift physician. In a medical record review, Board staff found Respondent failed to assess and/or accurately document pulmonary assessments and oximeter readings for patient B.W. who required supplemental oxygen throughout this shift. Respondent told Board staff the monitor room staff gave him the low saturation reading. He monitored B.W. frequently and acknowledged failing to document his assessment findings.

7. According to complaint records from SHJMC and Board staff medical record review, on or about February 26, 2009, Respondent erroneously documented administering tube feedings to patient H.C. when the feedings had been discontinued and failed to document IV fluid intake during his shift. Respondent acknowledged erroneous documentation and asserts the patient did not get the tube feeding.

8. According to SJHMC complaint records and Board staff medical record review, on or about February 27, 2009, Respondent did not follow provider orders when he removed patient R.C.'s foley catheter before discontinuing the epidural infusion. Respondent told Board staff he removed the foley catheter early in order to facilitate R.C.'s discharge from the hospital, the provider was aware of his actions, and there was no harm to the patient.

9. Respondent denied voluntarily resigning before completion of the Developmental Plan. Respondent asserts his manager stopped the Developmental Plan early before he could prove his clinical skills.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663(D); A.R.S. § 32-1601(16) (d) and (j), and A.A.C. R4-19-403(1), (7), (8)(a), (9) and (31) (adopted effective February 2, 2009).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against the license of Respondent to practice as a registered nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

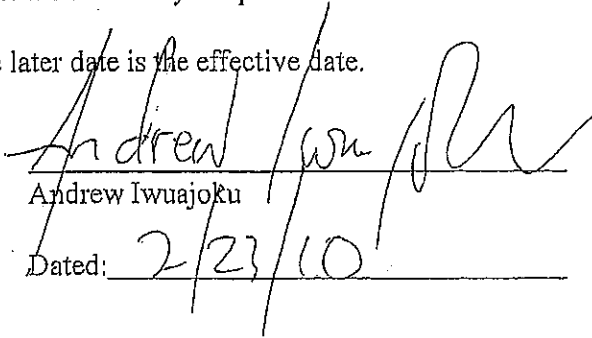
In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this Consent Agreement and Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that those admissions are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has been either obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the Agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.


Andrew Iwuajoku

Dated: 2/23/10

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ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: January 28, 2010

Mildki/RN139004/mvajok

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to the provision and penalties imposed as follows:

1. Respondents consent to the terms and conditions of this Order and waiver of public hearing are accepted.

2. It is ordered that a DECREE OF CENSURE be entered against license no. RN139004, held by Respondent.

ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: January 28, 2010

JR/pm:vd

Consent signed in Board office on February 23, 2010

Witnessed By:

Pat M. Chizek, RN, MN
Nurse Practice Consultant